

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2014-001626-002 DT

08/25/2015

HON. ROLAND J. STEINLE

CLERK OF THE COURT
A. Chee
Deputy

STATE OF ARIZONA

THOMAS M FORSYTH III

v.

BILLY BENJAMIN HAYES JR. (002)

JASON CHRISTOPHER ROSELL

RULINGS

On August 24, 2015 the Supreme Court denied the Amended Petition for Review of a Special Action.

The Court will resolve a number of outstanding motions. From the pleadings, several defendants have joined the various motions so the rulings apply to those defendants who joined in.

The Motion to Compel the disclosure of identity of the undercover used during the investigation will be dealt with at the next hearing. The Court will also discuss the State's Motion to Admit 404(b) Evidence at the next hearing.

Accordingly, the Court issues the following rulings.

Regarding Billy Benjamin Hayes Jr.(002):

The Court reviewed Motion to Sever Count 18 and the State's Response.

IT IS ORDERED granting the Motion to Sever Count 18.

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The Court has reviewed the Motion to Sever Counts/Defendants and the State's Response.

For the reasons set forth in the State's Response,

IT IS ORDERED denying the Motion to Sever Counts/Defendants.

The Court will note Count 18 was dealt with separately.

The Court has reviewed the Motion to Strike Counts 2, 9, 12, 15 of Indictment and the State's Response.

For the reasons set forth in the State's Response,

IT IS ORDERED denying Motion to Strike Counts 2, 9, 12, 15 of Indictment.

The Court has reviewed the Motion to Dismiss Counts 1-18 Pursuant to Rule 16.6 and the State's Response.

For the reasons set forth in the State's Response,

IT IS ORDERED denying the Motion to Dismiss Counts 1-18 Pursuant to Rule 16.6.

Regarding Defendants, Daniel Estrada (001), Billy Hayes Jr. (002), Damon Nutt (004), and Dana Nutt (005):

The Court has reviewed the Notice of Defense of Immunity and the State's Response, the Defense and State's Motion to Preclude.

For the reasons set forth in the State's Response,

IT IS ORDERED precluding the defendants from asserting the defense at trial.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.